

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

MICHAEL EBERHART,	:	APPEAL NO. C-070706
Plaintiff-Appellee,	:	TRIAL NO. DR-0002550
vs.	:	<i>JUDGMENT ENTRY.</i>
CHRISTY EBERHART,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Michael and Christy Eberhart's marriage was terminated in 2001. The trial court entered a decree of divorce and a shared-parenting plan for their son, Zachary. Under the terms of the shared-parenting plan, Christy's residence was to be Zachary's primary residence for purposes of school. Both Michael and Christy were designated residential parents.

In July 2006, Michael filed a motion to terminate shared parenting and to reallocate parental rights and responsibilities. Christy filed a similar motion in February 2007. Hearings on the motions were held on June 6, 2007, and September 18, 2007. On September 20, 2007, the trial court entered a judgment that maintained the shared-parenting plan but designated Michael as the residential

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

parent. The trial court also ordered that Zachary attend school in the Finneytown School District. At the conclusion of the entry, the court stated, “This matter shall be reviewed after the completion of Zachary’s current school year, June 3rd, 2008, 9:45 a.m.”

Christy now appeals the trial court’s judgment. Her three assignments of error challenge the trial court’s designation of Michael as the residential parent. But this court’s appellate jurisdiction is limited to the review of final judgments of trial courts.<sup>2</sup> Here, the trial court’s designation of Michael as the residential parent was not permanent. Instead, the court is scheduled to review the issue on June 3, 2008. We conclude that the trial court’s order is interlocutory in nature, so it is not final and appealable.<sup>3</sup> We have no jurisdiction to consider the issues that Christy asserts in her assignments of error, and we therefore dismiss her appeal.

Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**SUNDERMANN, P.J., HENDON and CUNNINGHAM, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on May 28, 2008  
per order of the Court \_\_\_\_\_.  
Presiding Judge

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<sup>2</sup> Section 3(B)(2), Article IV, Ohio Constitution.

<sup>3</sup> See *Brooks v. Brooks* (1996), 117 Ohio App.3d 19, 21, 689 N.E.2d 987.